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Meridian Rapid Defense Group LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MERIDIAN RAPID DEFENSE GROUP
LLC, a California limited liability
company,

Plaintiff,

vs.

DELTA SCIENTIFIC CORPORATION,
a California corporation,

Defendant.

DELTA SCIENTIFIC CORPORATION,
a California corporation,

Counterclaim-Plaintiff,

vs.

MERIDIAN RAPID DEFENSE GROUP
LLC, a California limited liability
company,

Counterclaim-Defendant.

Case No. 2:23-cv-07222-GW (PDx)

**JOINT STIPULATION FOR
LEAVE TO FILE SECOND
AMENDED ANSWER AND
COUNTERCLAIMS**

Hon. George H. Wu

Pursuant to Fed. R. Civ. P. 15(a)(2) and Local Rules 7-1 and 15-1, Delta Scientific Corporation (“Delta” or “Defendant”) and Plaintiff Meridian Rapid Defense Group LLC (“Meridian” or “Plaintiff”) (collectively, “the Parties”) hereby stipulate and request leave for Defendant to file its Second Amended Answer and Counterclaims.

FACTUAL RECITATION

WHEREAS, on August 31, 2023, Plaintiff filed its Complaint for patent infringement against Defendant;

WHEREAS, on October 23, 2023, Defendant filed its Answer to the Complaint;

WHEREAS, on November 10, 2023, Defendant filed its First Amended Answer to the Complaint as a matter of course under Fed. R. Civ. Proc. 15(a)(1);

WHEREAS, on December 4, 2023, Plaintiff filed its Motion to Strike Certain Affirmative Defenses and Dismiss Certain Amended Counterclaims (Dkt. No. 28, the “Motion to Strike”);

WHEREAS, subsequent to the filing of Plaintiff’s Motion to Strike, Defendant prepared its proposed Second Amended Answer and Counterclaims adding additional affirmative defenses and counterclaims;

WHEREAS, for good cause, the Parties stipulate that Defendant be granted leave to file its Second Amended Answer and Counterclaims. A copy of the proposed Second Amended Answer and Counterclaims is attached as Exhibit A and a compare version showing the proposed revisions is attached as Exhibit B;

WHEREAS, in light of the pending filing of Defendant’s Second Amended Answer and Counterclaims, the Parties stipulate that Plaintiff’s Motion to Strike is moot and request that it be withdrawn without prejudice and the hearing taken off calendar; and

WHEREAS, the Parties agree that Plaintiff's answer or other response to the Second Amended Answer and Counterclaims will be due no earlier than January 12, 2024.

REQUEST

WHEREFORE, upon good cause showing, the Parties respectfully request that the Court: (1) grant Defendant leave to file a Second Amended Answer and Counterclaims in form attached as Exhibit A; (2) deem Plaintiff's Motion To Strike withdrawn without prejudice and that the Court take the motion off calendar; and (3) order that Plaintiff's answer or other response to the Second Amended Answer and Counterclaims will be due pursuant to Rule 15, however, such response will not be due earlier than January 12, 2024.

IT IS SO STIPULATED.

Dated: December 21, 2023

Respectfully submitted,

LEWIS ROCA ROTHGERBER
CHRISTIE LLP

By: /s/G. Warren Bleeker
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G. Warren Bleeker
Kyle W. Kellar
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Delta Scientific Corporation*

Dated: December 21, 2023

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By: /s/Roya Rahmanpour
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Roya Rahmanpour
Daniel Valenzuela
David Lisch
*Attorneys for Plaintiff
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Meridian Rapid Defense Group LLC*

1 L.R. 5-4.3.4(a)(2)(i) Certification:

2 *All other signatories listed, and on whose behalf the filing*
3 *is submitted, concur in the filing's content and have authorized the filing.*

4 /s/G. Warren Bleeker

5 G. Warren Bleeker
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